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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
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16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,
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19 v.
20 RAFAEL MORALES,
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22 Defendant.

23 CASE NO. 1:02-CR-05198-AWI
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25 STIPULATION AND ORDER TO CONTINUE
26 STATUS CONFERENCE HEARING
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28 DATE: January 21, 2014
TIME: 1:30 PM
COURT: Hon. Sheila K. Oberto

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on January 21, 2014.

32 2. By this stipulation, defendant now moves to continue the status conference until March 4,
33 2014, at 1:30pm in Courtroom 7 before Magistrate Judge Sheila K. Oberto, and to exclude time between
34 January 21, 2014, and March 4, 2014, under 18 U.S.C. § 3161(h)(7)(A), B(iv).

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The Court ordered a continuance of all hearings between January 14 and 21, 2014
37 that required the transportation of a Fresno County Jail inmate to the Court. *See* Emergency
38 Order Affecting the Transportation of Fresno County Jail Federal Inmates; Continuance of All
39 Affected Criminal Hearings, ECF No. 1, Case 1:14-mc-00003-LJO (hereinafter, "Order").

b) Defendant Rafael Morales is an inmate at Fresno County Jail.

c) The status conference set for January 21, 2014 falls within the affected time period addressed in the Order.

d) Defense counsel is not available until March 4, 2014 due to long-standing commitments, including a trial during the second half of February 2014, and requests a continuance to March 4, 2014 based on the need for continuity of counsel and the need for further defense preparation.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in an earlier hearing.

g) The time period of January 21, 2014 to March 4, 2014, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in an earlier hearing.

IT IS SO STIPULATED.

Dated: January 16, 2014

BENJAMIN B. WAGNER
United States Attorney

/s/ PATRICK R. DELAHUNTY
PATRICK R. DELAHUNTY
Assistant United States Attorney

Dated: January 16, 2014

/s/ Carol A. Moses
CAROL A. MOSES
Counsel for Defendant
Rafael Morales

1 **ORDER**
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5 IT IS SO ORDERED.
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Dated: January 16, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE